IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 11524 of 2005

Between:

K.Apparao, S/o. Gavarayya,
R/o. Nellipudi (V) Ganavaram Mandal,
E.G.District.

..... PETITIONER

AND

1 The Addl. Agent to the Govt,.,
E.G.District at Ramachodavaram.
2 The Special Deputy Collector (TW)
E.G.District at Ramachodavaram.
3 The Mandal Revenue Offiacer ,
Gangavaram, E.G.District.
4 The Govt. of A.P., rep.by its Prl.Secretary, Social Welfare Dept.,
Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action o the respondents in evicting the petitioners from the land to an extent o 3.14 acres in R.S.No.1/6 of Nellipudi Village, Gangavaram Mandal, E.G.District pending revision preferred before the 4th respondent against the order in C.M.A. No. 20/2003 on the file of the 1st respondent as illegal, arbitrary and unjust and consequently direct the respondents not to evict me from the above land pending disposal of the revision in the interest of justice.

Counsel for the Petitioner:MR.K.VENKATESH

Counsel for the Respondent No.: GP FOR SOCIAL WELFARE

The Court made the following :

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ORAL ORDER:

Heard the learned counsel for both the parties and perused the material on record.

It is stated that the petitioner is the owner and possessor of an extent of Ac.3.14 cents of land in R.S.No.1/6 of Nellipudi village, Gangavaram Mandal, East Godavari District. The land, in fact, is situated in Mukasa village. Nellipudi and Mokhasa were originally parts of Yalkavaram Taluk and after the formation of Mandal the land falls under Gangavaram Mandal. It is stated that the land was purchased in the year 1970 from the family members of Madhuveeti Appalaraju and the petitioner has been in continuous possession and enjoyment of the said land for the last 35 years. While so, proceedings in L.T.R.P. No.34 to 38 of 1976 were initiated by the 2nd respondent under Section 3 of the A.P. Scheduled Areas Land Transfer Regulations, 1959 for restoration of the land along with other lands in favour of the tribals. The 2nd respondent, after conducting enquiry, dropped the proceedings, dated 7.5.1978. Thereafter, the Special Deputy Tahasildar (TW), Gangavaram, East Godavari District filed a petition before the 2nd respondent for restoration of the land to an extent of Ac.3.14 cents in R.S.No.1/6 of Nellipudi Village, and it was numbered as L.T.R.P. No.72 of 2002 and the 2nd respondent, by an order, dated 2.7.2002, held that the registered sale deed through which the petitioner purchased the land in 1970 is null and void under

Section 3(1)(a) of A.P. Scheduled Areas Land Transfer Regulations 1959 and accordingly ordered eviction of the petitioner. Aggrieved by the said order, the petitioner filed an appeal before the 1st respondent. In C.M.A. No.20 of 2003, the 1st respondent passed an order, dated 26.7.2004, upholding the orders of the 2nd respondent. Challenging the same, the petitioner filed a revision against the Government on 28.3.2005 under Section 6 of the A.P. Scheduled Areas Land Transfer Regulations 1959 along with an application for stay of the order of the 1st respondent herein, but so far, no orders have been passed thereon.

The learned counsel for the petitioner has contended that there is no Minister to look after the Tribal Welfare Portfolio and hear and dispose of the revisions and hence, he could not get the stay orders.

Pending disposal of the revision, if the petitioner is dispossessed from the land, the very right of revision itself will become infructuous. Therefore, I am of the opinion that the possession of petitioner in the land can be protected.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents not to dispossess the petitioner from the land in question pending disposal of the application in the revision petition filed by the petitioner against the Government.

The writ petition is accordingly disposed of. No costs.

(V. ESWARAIAH, J.)

24th May, 2005

bcj

To

1 The Additional Agent to the Govt,.,
E.G.District at Ramachodavaram.
2 The Special Deputy Collector (TV)
E.G.District at Ramachodavaram.
3 The Mandal Revenue Offiacer ,
Gangavaram, E.G.District.
4 The Personal Secretary, Govt. of A.P., Social Welfare Department,
Secretariat, Hyderabad.

5. Two CCs to GP for Revenue, High Court Buildings, Hyderabad(OUT)

6. Two CCs to GP for Social Welfare, High Court Buildings, Hyderabad(OUT)

7. One CC to MR.VENKATESH, Advocate.

8. Two CD copies.